



# COMMONWEALTH of VIRGINIA

## Office of the Governor

Commission to Examine Racial Inequity in the Law

### MINUTES

Tuesday, May 11, 2021

1:00-3:00pm

Via Webex

#### 1. Call to Order & Roll Call

- a. Cynthia Hudson calls the meeting to order at 1:00 pm. Notes that we are able to meet electronically due to the state of emergency.

*Due to the Governor's Declared State of Emergency due to the COVID-19 Pandemic, it is impracticable and unsafe for the Commission to Examine Racial Inequity in Virginia Law to assemble in a single location, so this meeting will be held electronically as authorized by the 2020-2022 Appropriation Act. The purpose of the meeting is to discuss or transact the business statutorily required or necessary to continue operations of the Commission and the discharge of its lawful purposes, duties, and responsibilities. The public is welcome to use the dial-in number and PIN provided in the meeting notice to attend the meeting electronically. The Commission will make available a recording or transcript of the meeting on its website in accordance with the timeframes established in Sections 2.2-3707 and 2.2-3701.1 of the Code of Virginia.*

- b. Attendance & Roll Call

Commissioners in Attendance:

- i. Andrew Block
- ii. Hank Chambers
- iii. Jill Hanken
- iv. Michael Herring
- v. Leslie Mehta
- vi. Carla Jackson
- vii. Cynthia Hudson

Commissioners not present:

- i. Birdie Jamison
- ii. Jerrauld Jones

## 2. Public Comment - No Public Comment

## 3. Administrative Items

- a. Approval of the Meeting Minutes – April 7th meeting

**Hudson** asks for a motion to adopt. **Block** moves for the motion to adopt, **Jackson** seconds. No discussion follows. The minutes are adopted 6-0 (Hanken unable to vote due to technical difficulties)

## 4. Vote on Topics for Consideration in Phase III of Commission Work

**Block** gives an overview of the potential topics for the Commission

**Block, comment:** Asked if unemployment should come off the list because of pending litigation on Virginia's unemployment benefit and the Joint Legislative Audit and Review Commission (JLARC) study. In the last meeting, we looked at how many people of color are living in poverty. Believes we should look into public benefits as it relates to communities of color. There has been much conversation around paid family leave and in particular its impact on women in the workforce.

On tax reform, the administration is particularly interested in the degree to which property tax assessments disproportionately hurt people of color as they affect their home value, and the ratio of the taxes they pay to the return on sales as compared to white people. Do we believe there are other tax topics to include?

**Hudson, comment:** When I think of other topics for us to review in the economic disparity area, I realize many have already been looked into. For example, job discrimination was the focus of the Virginia Values Act. The legislation that has been passed in that space has helped to lift Virginia from where it used to be. I believe we should focus on tax code reform, access to capital, and consumer protection.

**Chambers, comment:** Recommends narrowing tax code reform because of the extensive nature of the topic. Also, notes that paid leave and childcare flow into the topic of education that has been covered in prior work by the Commission.

**Block, comment:** The tax code reform topic is already narrowly focused on property tax and property tax assessment issues. This is a key issue for the administration.

**Chambers, comment:** Acknowledges a connection between environmental justice and rural Virginia on the topic of eminent domain. The irony of property tax assessments is if someone lowers property values, those properties then become targets for eminent domain.

**Hanken, comment:** Agrees that we should look at the issue of property tax assessments.

**Hudson, comment:** Should change the name of the topic from “Tax Code Reform” to “Real Property Taxation,” acknowledging this is a confined and relatively narrow area of the state code.

**Hanken, comment:** That would help because I read the topic as looking into the state’s income tax system. Also, speaks about the JLARC study on unemployment and asks to look at eligibility for unemployment benefits and the amount that is paid in Virginia.

**Herring, comment:** Suggests that we roll out our recommendations as we approve them throughout the summer, as they will allow for greater public engagement and potentially more engagement from the political campaigns.

**Block, comment:** Asks for more feedback on public assistance topics.

**Hanken, comment:** Provides an overview of where these topics stand from an equity perspective and indicates that we still have a way to go, but that greater details are beyond her wheelhouse.

**Hudson, comment:** We need to whittle down our list because there are a lot of topics to cover in a short period of time. Suggests that we take higher education topics off the list for now as it is too large to cover in the time remaining. Asks that we keep environmental justice topics on the agenda as there has been engagement from the Secretary of Natural Resources, in particular on the topic related to environmental tax credits (as they serve to mostly benefit wealthy landowners, who are primarily white, who have large swaths of land to offer for conservation, etc). Chair notes that this may be related to other property tax topics that are under consideration.

**Hanken, comment:** Seconds the desire to keep environmental justice topics on the list.

**Block, comment:** Expands on the topic of rural Virginia issues, and racial disparities in these communities, and how they may differ from those in urban and suburban communities. Suggests that we could potentially cover economic opportunity topics in the next meeting and that the meeting after that could cover rural equity and environmental justice topics.

**Hudson, comment:** Even if we are unable to produce policy proposals, putting forth data that supports the need for further work in the area is a good start.

**Chambers, comment:** Seconds keeping rural Virginia on the topic list.

*Block moves to examine economic opportunity, environmental justice, and rural Virginia and Jackson seconded.*

*Hudson takes up the motion, the motion to adopt carries (7 yeas / 0 nays).*

## **5. Student-Researcher Engagement**

**Hudson** gives an overview of the student-researcher process and asks commissioners to communicate with **Block** on topics they would like to work with students on.

## **6. Community Engagement**

**Block** presents to the Commission on possible ways they can present the work of the Commission to the public.

**Herring, comment:** Concerned that having multiple events could lead to different messaging depending on the audience. Thinks it would be better to host joint presentations where anyone from the public is available to attend.

**Hudson, comment:** Believe we should be able to do both types of presentations to the public.

**Jackson, comment:** Agrees with Herring and brings the idea of a hybrid approach to the presentations.

**Hanken, comment:** Law schools and bar associations would be a good group to test these presentations on.

**Hudson, comment:** Believes that content and manner of the presentation should require a vote by the Commission.

**Chambers, comment:** Other possible audiences that could benefit from these presentations are the Governor's cabinet, agency directors, and members of the Virginia Supreme Court and Court of Appeals.

*Hanken moves to design a program for public presentation on Commission's work and findings and Block seconded.*

*Hudson takes up the motion; the motion carries (7 yeas / 0 nays).*

**Hudson, comment:** Would like to see this as a subcommittee and asks any members who would like to serve to reach out.

## **7. Adjournment**

- a. Next Commission Meeting Date: June 3rd, 2021.